

DRAFT
TOWN OF WEBSTER
PLANNING BOARD CONTINUED PUBLIC HEARING AND
MEETING MINUTES OCTOBER 16, 2014

7:00 p.m. Chairperson Rauth convened the regularly scheduled meeting of the Webster Planning Board.

Present were Chairperson Susan Rauth, Vice Chair Susan Roman, Members Jere Buckley, Lynmarie Lehmann and Alternate Selectman Bruce Johnson. Also in attendance was Mr. John Kostro, General Manager and agent for the COPART facility on 111 Deer Meadow Road, Webster, NH.

The next order of business was the review of the draft minutes. By consensus the Board deferred review of the minutes in order to continue the public hearing for Case No. 14-02 Site Plan Review Application for COPART, 111 Deer Meadow Road, Webster, NH.

7:01 p.m. Chairperson Rauth formally opened the continuation of the August 21, 2014 and September 18, 2014 public hearings. She asked Mr. Kostro, General Manager of COPART, if he had more information to submit regarding the Site Plan Review application. Mr. Kostro stated he did not have anything to add at this time. He did forward questions from last month's hearing to his supervisors and has not had any responses.

As part of the Site Plan Review process, Chairperson Rauth presented to the Board and Mr. Kostro the concept of requesting COPART to fund two independent, third-party studies**: 1) Truck Routing Study that would help with traffic safety issues and 2) a review of water quality regulations and COPART operations to determine if routine groundwater sampling would be appropriate. Chairperson Rauth stated that when COPART first approached the Town, it was represented that the business would cause minimal impact to the safety and the traffic on the roads. The court case with the City of Concord changed that. She stated that although the Board felt that COPART may only account for a small percentage of the total traffic, the weight and size of the trucks have made a big difference causing traffic safety problems and wear and tear on our roads. The Planning Board felt that more could be done and the Board would like to have more than a 'casual' arrangement with COPART regarding these issues.

*****Note: Copies of both proposals are on file with COPART's Site Plan Review Application at the Webster Town Hall, 945 Battle Street, Webster, NH 03303.***

Chairperson Rauth stated the Truck Routing Study would focus on traffic safety. She referred to the proposed "Scope of Work" document from Vanasse Hangen Brustlin, Inc. of Bedford, NH of which copies had been distributed to the Board members and Mr. Kostro. She added that having the study done by the independent engineering firm would provide more validity for the townspeople. The second study was a proposal from Sanborn, Head & Associates, Inc. of Concord, NH to provide environmental services concerning COPART's business being located over an aquifer within the Groundwater Protection District of the Town. Chairperson Rauth stated the Board felt they did not have the evidence to determine whether or not spillage was contaminating the aquifer, hence the second independent engineering study. After the Board reviewed and discussed each proposal, Chairperson Rauth asked Mr. Kostro if he had any questions, to which he answered 'no'.

Before recessing the hearing for Board deliberation, Chairperson Rauth asked for public comments. The only member of the public in attendance was Mr. Bruce Crawford, a resident Boscawen. Mr. Crawford introduced himself as the Chairman of the Boscawen Planning Board and the Executive Director of the Auto and Truck Recyclers Association. He stated the only complaints from Boscawen residents that he was aware of regarding COPART trucks had to do with the brightness of the flashing hazard lights. A brief discussion ensued.

At this time, Chairperson Rauth thanked Mr. Kostro and Ms. Lisa Doherty for their time and participation. She stated the Board felt that it was time that COPART helped out with some of these problems. She stated the Board planned on sending a letter to COPART requesting them to deposit funds into an escrow account to pay for the studies discussed earlier. Any excess funds would go back to COPART. She asked Mr. Kostro if he had any comments. He stated he would need to submit it to his supervisors. Chairperson Rauth stated the Board would like to hear from Mr. Kostro in two weeks in order to finish the site plan review especially with winter coming. Alternate Selectman Johnson added that the Planning Board was feeling a little bit frustrated because Mr. Kostro has gone back to his superiors resulting in slow or no response. He felt the corporate office of COPART had been dragging its feet both with the Site Plan Review and the Junkyard Licensing process with the Select Board. Alternate Selectman Johnson implored Mr. Kostro to tell his corporate office that the people in Webster are getting a little bit frustrated because they do not get back to the Town in a timely manner; they need to respond back.

Chairperson Rauth stated the Select Board had met earlier today to grant the Planning Board a 90-day extension for the Site Plan Review per RSA 767: 4(1)F and RSA 674:43 III.

Member Lehmann made a motion to accept the \$1,500.00 Sanborn Head environmental site assessment proposal. Member Buckley amended that motion by adding to require COPART to provide funding for an escrow account accordingly; seconded by Member Buckley and unanimously approved.

Member Roman made a motion to have a deadline of November 3, 2014 for the deposit of funds to be placed in the escrow account; seconded by Alternate Selectman Member Johnson and unanimously approved. A brief discussion ensued.

Chairperson Rauth moved on to discussion about the Truck Routing Study and asked the Board if they were ready to take a vote. Member Roman stated that Member Lehmann had not had a chance to study the proposal. Member Lehmann stated she had been reading it and one of her concerns was that the Board knows the routes in to COPART. Member Buckley stated he thought the Board was looking for a professional confirmation of what they all believe to be the case. Member Roman added that the engineers could not say one route was safer than the other without looking at all routes. Chairperson Rauth asked Member Lehmann if she would feel more comfortable if the Board spoke with VHB some more. Member Lehmann did not think that would be fair to anyone to keep delaying the review. Member Roman stated she just wanted a fair assessment of all the routes by someone who is competent and professional. Member Lehmann pointed out the proposal stated that VHB would meet once with the Planning Board to discuss their findings. Chairperson Rauth stated she was told that VHB would meet with the Board at the beginning. She will contact them to clarify. After a brief discussion Member Lehmann expressed her concern that if the VHB was going to tell the Board what they already know then she didn't believe they needed anyone to spend \$20,000.00. She stated she felt the

money should be put towards beefing up Clothespin Bridge Road bridge; that's the type of work she felt the Board should be asking COPART to put some money toward. Member Buckley stated that given the lack of expertise the Board has on the subject, having a third-party professional work with the Board was the whole point of these proposals. A brief discussion ensued.

Member Buckley made a motion that the Board proceed with Tasks 1 -5 of VHB's October 9, 2014 Truck Routing Study and that the Board require COPART to post for an addition to an escrow account the sum of \$11,150.00 with a November 3, 2014 deadline for their doing so; seconded by Member Roman and approved 4 ayes to 1 opposed (Member Lehmann). A brief discussion Member Roman stated she would be in favor of deferring Task 6 of VHB's proposal until the Board can make sure that what it is going to involve is not having COPART pay for a study that they would pay more than their share.

8:03 pm Chairperson Rauth recessed the public hearing review of the Site Plan Application until the next regularly scheduled Planning Board meeting of November 20, 2014 at 7:00 pm at the Webster Town Hall. She thanked Mr. Kostro for coming.

At this time the Board reviewed the minutes from September 18, 2014. The bottom of page 2, second to last line; replace the word *closed* with **recessed**. Member Lehmann made a motion to accept the September 18, 2014 minutes as amended; seconded by Member Buckley and approved 4 ayes to 1 abstain (Member Roman was not at September 18th meeting). Next the Board reviewed the minutes from the Non-Public Unsealed Minutes from September 18, 2014. Member Lehmann made a motion to accept these minutes as written; seconded by Member Buckley and unanimously approved. Next the Board reviewed the minutes from October 2, 2014 Work Session. Member Roman made a change; page 2, the first full paragraph; replace the first two words *We have* with **The Town has**. Member Lehmann made a motion to accept these minutes as amended; seconded by Member Roman and approved 3 ayes to 2 abstentions (Alternate Selectman Johnson was not at that meeting and Member Buckley had not read the minutes.) Next the Board reviewed the Work Session minutes from October 13, 2014. Member Buckley made a correction; the last page; second line to change Class V to Class **VI**. Member Roman made a motion to accept these minutes as amended by Member Buckley; seconded by Member Lehmann and approved 4 to 1 abstention (Member Lehmann was not at that meeting.)

At this time Chairperson Rauth suggested making a couple of 'housekeeping' changes on two Site Plan forms. The first change was to the "Checklist for Site Plan Review Submission"; the very first sentence; replace *Technical Advisory Committee* to **Webster Planning Board**. Member Roman made a motion that all references to the *Technical Advisory Committee* be eliminated and replaced by the **Planning Board**; seconded by Member Lehmann and unanimously approved. The second change was to the "Application for Approval of Webster Site Plan Review"; on page 2 under section III. Development Data: change A. from *Zoning information* to **Zoning Information & Location Data**; delete 1. *Special zoning districts (check where applicable)*; add [] **Groundwater Protection District**. Member Roman proposed one more change; on page 4 insert a line under *Signature of Property Owner* and designate under the line **Typed or Printed Name**. Member Roman made a motion to accept the amendments to pages 2 and 4 of the site plan application; seconded by Member Lehmann and unanimously approved. Mrs. Larson will make the changes.

The next item on the agenda was review and discussion of draft #7 of the Driveway Regulations. Member Buckley presented a proposed additional paragraph dealing with driveways on roads other than Class V or better. After a brief discussion, Member Lehmann suggested accepting draft #7 without adding that paragraph and if the Board feels the need in the future to make a change they can certainly do that. Member Lehmann made a motion to accept draft #7 of the Driveway Regulations as written, without the addition of the proposed paragraph; seconded by Alternate Selectman Johnson and unanimously approved.

The last item on the agenda was the update of the Subdivision Regulations revision work. Chairperson Rauth stated she would like to make some headway on the 'major/minor' subdivision issue. After a brief discussion, Member Roman reminded the Board that they had discussed dividing the document between each member. She felt that would take a lot of work to put together. She suggested asking CNHRPC how much it would cost to have them give the Board a draft of Matt Monahan's proposed changes. She stated if that was a reasonable cost, the Board could ask the Select Board to put it in the PB/ZBA 2015 budget. Member Lehmann made a motion that the Planning Board get a price from CNHRPC for Matt to incorporate his audit into one new draft document that the Board would review; seconded by Member Roman and unanimously approved. Chairperson Rauth stated she would contact CNHRPC.

The Board then thanked Chairperson Rauth for the work she had done on the studies and proposals.

8:55 pm meeting adjourned.

These draft Planning Board minutes were done by Therese E. Larson, Town PB/ZBA Secretary.

Posted October 22, 2014